

Plaintiff Nelson I. Bruce is a non-prisoner litigant who has filed a civil action pursuant to the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552(A)(4)(B). (DE#1, Complaint). Plaintiff complains that his multiple FOIA requests in 2017-2018 to these federal agencies have not been responded to in the manner he desires or are still pending. Plaintiff is proceeding *pro se* and *in forma pauperis*. Pursuant to Local Civil Rule 73.02(B)(2)(e)(D.S.C.), pretrial matters have been referred to the United States Magistrate Judge.

Plaintiff has submitted an Application to Proceed Without Prepaying Fees or Costs (Form AO 240), which the Court construes as a motion for leave to proceed *in forma pauperis* (“IFP”). Review of the motion indicates Plaintiff does not presently have sufficient income or assets to prepay the filing fee. Plaintiff’s motion for leave to proceed IFP (DE#3) is therefore **granted**, subject to the Court’s right to require a payment if the Plaintiff’s financial condition changes, and to tax fees and costs against Plaintiff at the conclusion of this case if the Court finds the case to be without merit. *See Flint v. Haynes*, 651 F.2d 970, 972-74 (4th Cir. 1981), *cert. denied*, 454 U.S. 1151 (1982).

TO PLAINTIFF:

This case is not in proper form at this time.¹ If Plaintiff does not bring this case into proper form within the time permitted by this Order, this case may be dismissed for failure to prosecute and failure to comply with an order of this Court under Rule 41 of the Federal Rules of Civil Procedure ("Fed. R. Civ. P.").

Under *General Order In Re: Procedures in Civil Actions Filed by Non-Prisoner Pro Se Litigants*, No. 3:07-mc-5015-JFA (D.S.C. Sept. 18, 2007), the undersigned is giving Plaintiff **twenty-one (21)** days from the date this Order is entered, plus three (3) days for mail time, to:

1) **Complete, sign, and return** a summons form for each Defendant named in this case. In the space following "TO: (Defendant's name and address)," Plaintiff is required to provide a complete name and a full address where the Defendant can be served pursuant to Fed. R. Civ. P. 4. Plaintiff's complete name and full address must be provided in the blank section following "plaintiff or plaintiff's attorney, whose name and address are" Handwritten information must be printed and legible. Nothing else should be written by Plaintiff on either the front or back of the summons or in the margins. A blank summons form is attached for Plaintiff's use.

2) **Complete, sign, and return** one Form USM-285 for each Defendant named in this case. Only one Defendant's name and street address should appear on the form. Defendant's name and street address should be placed in the spaces preceded by the words, "SERVE AT." Plaintiff's name and address should be placed in the space designated, "SEND NOTICE OF SERVICE COPY TO . . .," and Plaintiff should sign where the form requests, "Signature of Attorney or other Originator" Plaintiff must provide Defendant's complete street address on the form (**not a post office box address**). Plaintiff must provide, and is responsible for, information sufficient to identify the Defendant on the Form USM-285. The United States Marshal cannot serve an inadequately identified defendant, and an unserved defendant may be dismissed as a party to this case. A blank Form USM-285 is attached for Plaintiff's use.

No process shall issue until the items specified above have been reviewed by the assigned United States Magistrate Judge.

Plaintiff must place the civil action number listed above (Case No. 2:18-cv-2635-BHH-MGB) on any document provided to the Court pursuant to this Order. Any future filings in this

¹ Plaintiff has provided incomplete proposed service documents. Specifically, he has not provided any summons for the five defendants. He has provided USM 295 Forms but has failed to sign and date them. (See DE#4). He has also provided an incomplete return address for himself.

case must be sent to the Clerk of Court, P.O. Box 835, Charleston, South Carolina 29402. All documents requiring Plaintiff's signature shall be signed with Plaintiff's full legal name written in Plaintiff's own handwriting. *Pro se* litigants shall not use the "s/typed name" format used in the Electronic Case Filing System. In all future filings with this Court, Plaintiff is directed to use letter-sized (8½ inches by 11 inches) paper only, to write or type text on one side of a sheet of paper only and not to write or type on both sides of any sheet of paper. Plaintiff is further instructed not to write to the edge of the paper, but to maintain one inch margins on the top, bottom, and sides of each paper submitted.

Plaintiff is a *pro se* litigant. Plaintiff's attention is directed to the following **important notice**:

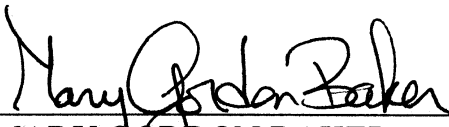
You are ordered to always keep the Clerk of Court advised in writing (P.O. Box 835, Charleston, South Carolina 29402) if your address changes for any reason, so as to assure that orders or other matters that specify deadlines for you to meet will be received by you. **If, as a result of your failure to comply with this Order, you fail to meet a deadline set by this Court, your case may be dismissed for violating this Order.** Therefore, if you have a change of address before this case is ended, you must comply with this Order by immediately advising the Clerk of Court in writing of such change of address and providing the Court with the docket number of all pending cases you have filed with this Court. **Your failure to do so will not be excused by the Court.**

TO THE CLERK OF COURT:

The Clerk of Court shall mail a copy of this Order and the proper form documents to Plaintiff. If Plaintiff fails to provide the items specified above to the Clerk of Court within the period prescribed in this Order, the Clerk of Court shall forward the file to the assigned United States Magistrate Judge for a recommendation as to whether to enter an order of dismissal. *See In Re: Procedures in Civil Actions Filed by Non-Prisoner Pro Se Litigants*, No. 3:07-mc-5015-JFA. If, however, Plaintiff provides this Court with the items specified above, the Clerk of Court should forward the file to the assigned United States Magistrate Judge to determine if service of process should be authorized.

The Clerk of Court shall not enter any change of address submitted by Plaintiff which directs that mail be sent to a person other than Plaintiff unless that person is an attorney admitted to practice before this Court who has entered a formal appearance in this civil action.

IT IS SO ORDERED.


 MARY GORDON BAKER
 UNITED STATES MAGISTRATE JUDGE

September 28, 2018
 Charleston, South Carolina

Petitioner's attention is directed to the **IMPORTANT NOTICE** on the following page: